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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,738	08/24/2001	Zhang Xiaomang	0717-0476P	9898

2292 7590 10/21/2005

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EXAMINER

DANG, DUY M

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/935,738

Applicant(s)

XIAOMANG ET AL.

Examiner

Duy M. Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-18 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's amendment filed 7/29/05 has been entered and made of record.
2. Applicant's drawings filed 7/29/05 has been approved by the examiner.
- 3.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because of the reasons as follows:

As to claim 1, the feature recited after the word "comprising" is "a middle-high-range luminance component compensation section" is considered as a single means and thus claim 1 is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. See MPEP 2164.08(a).

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art [see page 1 line 10 to page 12 line 15. Referred as the AAPA herein after].

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Regarding claim 1, the AAPA teaches:

a middle-high-range luminance component compensation section for compensating for a middle-high-range luminance component representing an intermediate range between a middle range and a high range of a low-frequency luminance signal, generated based on the complementary color image data such that the low-frequency luminance characteristic which is lower than or equal to a predetermined frequency [see pages 10-11 and figure 9. Note the combination of graphs d and c refers to “compensating a middle-high-range luminance component” according to page 10 last line to page 11 lines 1-4 that of “*compensation is carried out by a combination of a frequency characteristic of a middle-range luminance component compensating filter (graph d) and a frequency characteristic of a high-range luminance component compensating filter (graph c)*”. Thus, such combination does represent the so-called “intermediate range between the middle range and a high range” according to figure 9].

8. Claims 2-18 are allowed.

The following is an examiner’s statement of reasons for allowance:

Regarding claim 2, the cited prior art fails to teach or suggest an image processing apparatus for processing complementary color image data output from an image capturing element including a complementary-color filter, comprising claimed features recited in last seven lines.

Dependent claims 3-18 are also allowed for the same reasons as above.

9. Applicant's arguments filed 7/29/05 have been fully considered but they are not persuasive.

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-In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies [i.e., extract a middle-high-range luminance component and combine it with middle and high -range luminance components at a predetermined ratio (see page 9, 3<sup>rd</sup> paragraph from the bottom of the page), extracting a "middle-high-range luminance component (see last paragraph of page 9 and continued on first two lines of page 10)] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

-In response to applicant's argument, see page 10 lines 3-15, the examiner respectively disagrees. The AAPA does teach such features as pointed out in the claim rejection section above. For example, in the AAPA, page 10 last line to page 11 lines 1-4 stated "*compensation is carried out by a combination of a frequency characteristic of a middle-range luminance component compensating filter (graph d) and a frequency characteristic of a high-range luminance component compensating filter (graph c)*". Thus, such compensation does correspond to the middle-high-range compensation and the combination does represent the so-called "intermediate range between the middle range and a high range" according to figure 9].

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 5:30AM to 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd  
10/05

A handwritten signature in black ink, appearing to read 'Duy M. Dang', with a stylized, flowing script.

Duy M. Dang  
Patent Examiner